IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	LUDIKHUIZE, *et al.*	Examiner:	Hu, S.
Serial No.:	10/537,575	Group Art Unit:	2811
Filed:	June 6, 2005	Docket No.:	NL021358US

Title: INTEGRATED HALF-BRIDGE POWER CIRCUIT

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No.
65913

Dear Sir:

In response to the Non-Final Office Action dated December 11, 2007, in which a restriction requirement was made, the claims of "Species 1" are hereby elected, with traverse. Claim 1 is identified as generic.

For the limited purposes of responding to the Office Action and without prejudice, Applicant submits that each of the claims 1-12 is readable on the elected "Species 1," and that the restriction requirement is improper.

The Examiner identified claims 1-3 and 8-11 as reading on "Species 1," identified as being drawn to Figure 2a. Applicant submits that claims 4-7 and 12 also read on Species 1 because the additional features recited in those claims are not precluded by what is shown and described with respect to Figure 2a. For claimed features to read on different species, the different species must mutually exclude the features.

The election of species requirement is purportedly predicated on PCT Rule 13.2, which states that the requirement for unity of invention is fulfilled when the claimed inventions share the same technical relationship involving one or more of the same technical features that distinguish over the art. Applicant submits that the restriction requirement misapplies PCT Rule 13.2 because all the claims 1-12 share the technical features that are recited in claim 1. Under PCT Rule 13.4, Applicant is allowed to recite

a reasonable number of additional claims that recite additional features and specific forms of the claimed invention. As such, the requirement for restriction is improper and should be withdrawn.

Applicant further submits that the restriction requirement should be withdrawn for failing to properly identify species. Species have not been properly identified if their respective features are not mutually exclusive. Said another way, separate species have not been properly identified if the claims that purportedly read on them have overlapping scope. *See* M.P.E.P. 806.04(f). The Examiner admits in the restriction requirement that several of the claims, namely claims 1-4 and 10-12, each read on multiple of the identified "species." Applicant further submits that claims 5-9 also read on multiple of the identified "species." As such, proper species identification has not been made, and the requirement for restriction should be withdrawn.

Applicant notes that a previous restriction requirement was made on August 20, 2007, in response to which Applicant elected to prosecute claims 1-12. While a restriction requirement can be made at any time before final action when it is proper, the examiner should make a requirement for restriction as early as possible in the prosecution. *See* M.P.E.P. 811. Applicant submits that there have been no circumstances presented in this case to require restriction at the present stage that could not have been addressed at the time of the previous restriction requirement.

Applicant also submits that the Examiner has not established that there is any inordinate burden to concurrently examining claims 1-12.
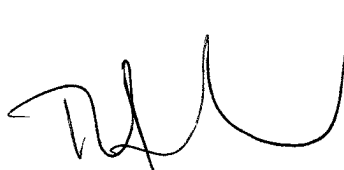
For these reasons, reconsideration and withdrawal of the restriction requirement is respectfully requested, along with concurrent examination of all the claims 1-12. If the Examiner has any questions or comments, a telephone call to the number indicated below is invited.

Authorization is provided to charge/credit Deposit Account 50-0996 (NXPS.400PA) any requisite fees/overages to enter this paper.

Please direct all correspondence to:

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